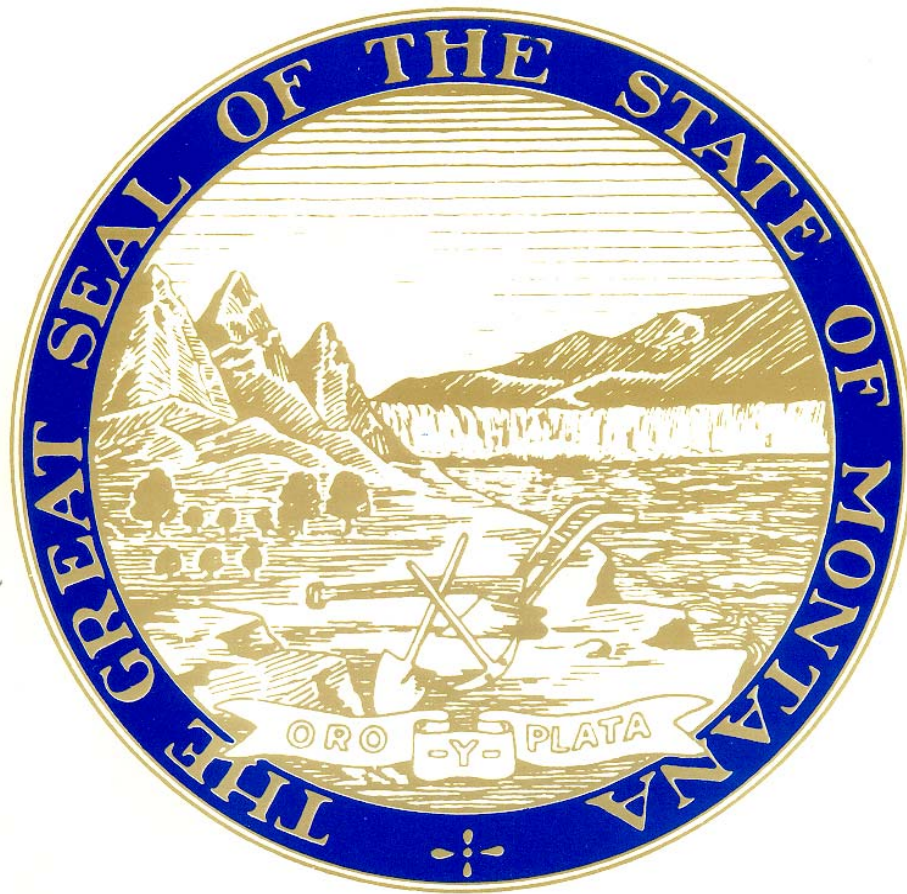


SPECIAL EDUCATION REPORT TO THE BOARD OF PUBLIC EDUCATION

January 2006



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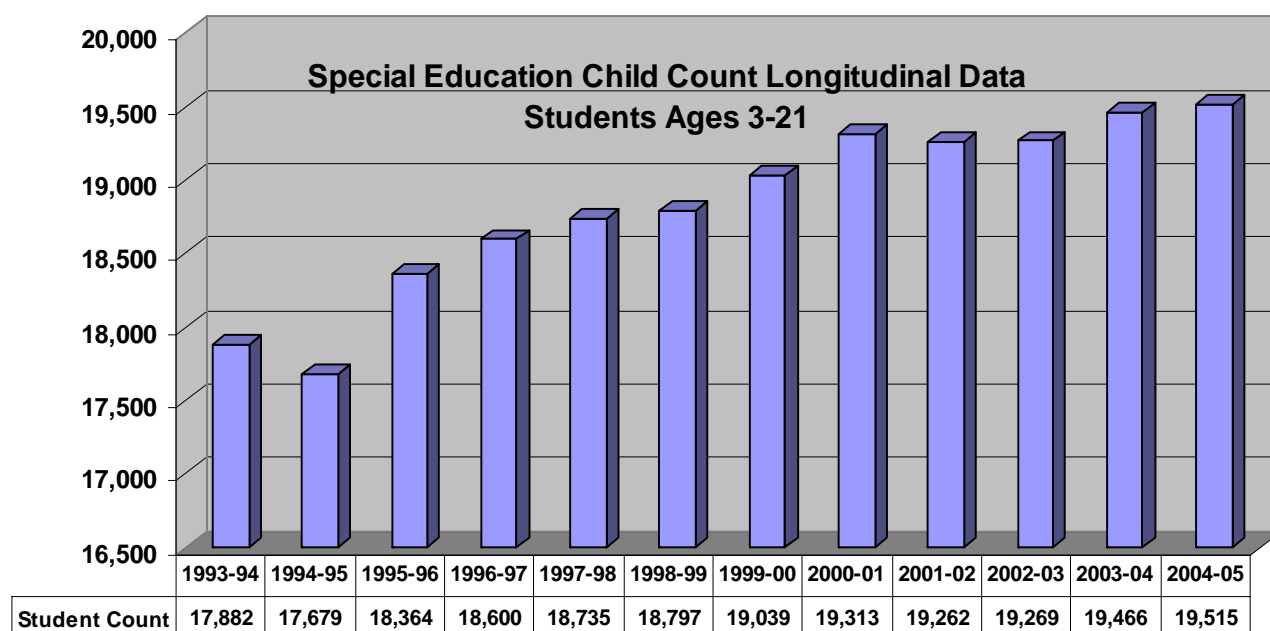
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Part 1- Students Served

Special Education Child Count and Student Enrollment

Public schools must make available special education and related services to all IDEA-eligible (Individuals with Disabilities Education Act) students with disabilities beginning at age three and through age 18. Services to students, ages 19, 20, and 21, are permissive. That is, the decision to serve 19, 20 and 21-year-old students is determined by the policies of the school district board of trustees [20-5-101(3), Montana Code Annotated (MCA), and Administrative Rules of Montana (ARM) 10.16.3122(2)].



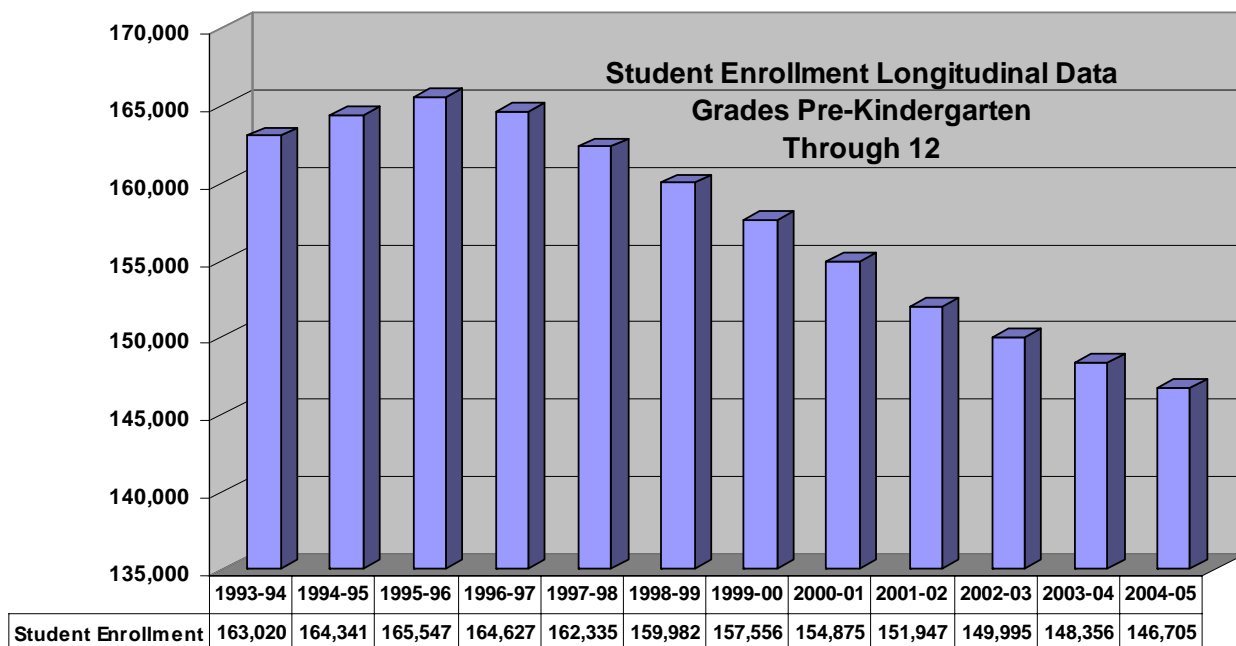
This is a count of students with disabilities who have a valid individualized education program (IEP) in accordance with IDEA and are receiving services indicated on the IEP on the first school day in December. The count includes students who are enrolled in public schools, publicly funded schools, residential treatment facilities that contract with the OPI to provide services to their students who are Montana residents, and students who are in private or home schools and are receiving services from a public school in accordance with a services plan.

Source: Child Count Data Files ([Opnlmntprd3/Access/Division/Special Education/Child Count/ChildCount91-01](#) and [Access/Division/SpecialEducation/SQLCC/tblcc Child Count 2002-2005](#))

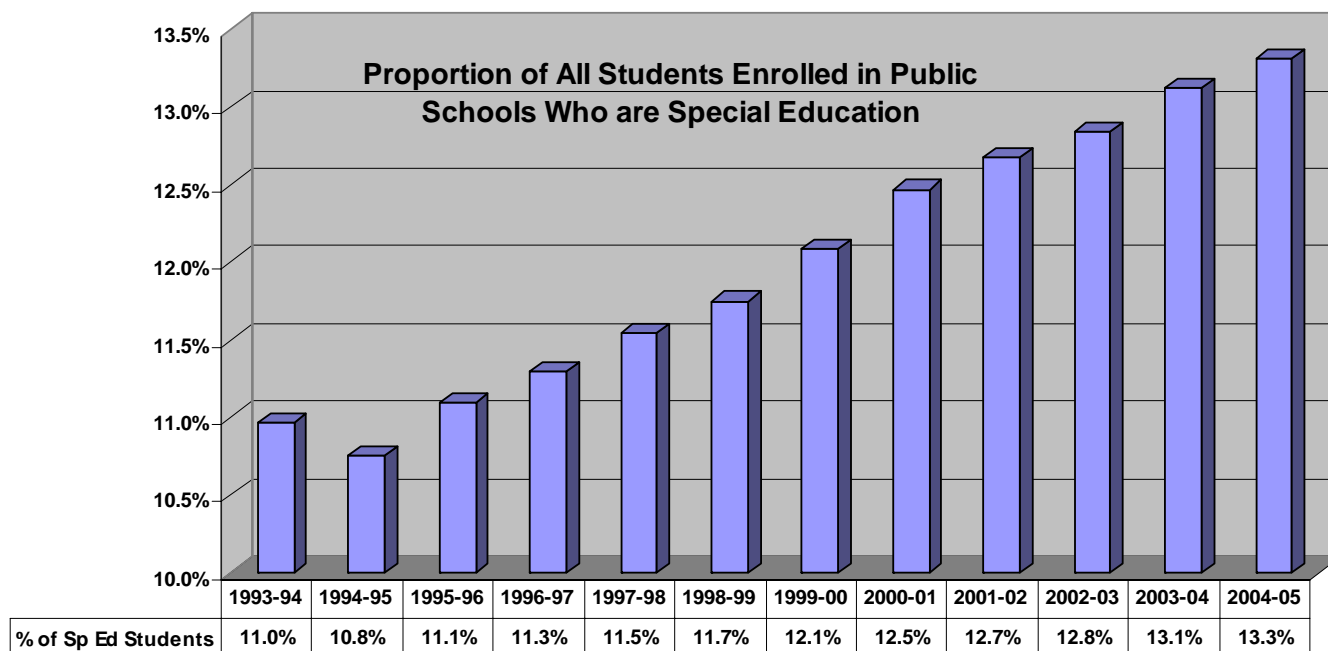
Students with disabilities receive a wide range of services, including individualized instruction, assistive technology, and related services such as speech-language therapy, occupational therapy, physical therapy and/or transition services. Both the type and the extent of services a student receives are individually determined based on the educational needs of the student.

Montana's Child Count (term used for the collection of student special education data) grew steadily from 1996 through 2001. The count decreased slightly and leveled off for the next two years. However, the last two years have seen increases (2004 Child Count increased by almost 200 students and in 2005 by 49 students).

In contrast, Montana's public school enrollment has shown a steady decline since 1996. Because of declining enrollment at the same time special education Child Count has grown, the proportion of students served by special education has increased over the years.

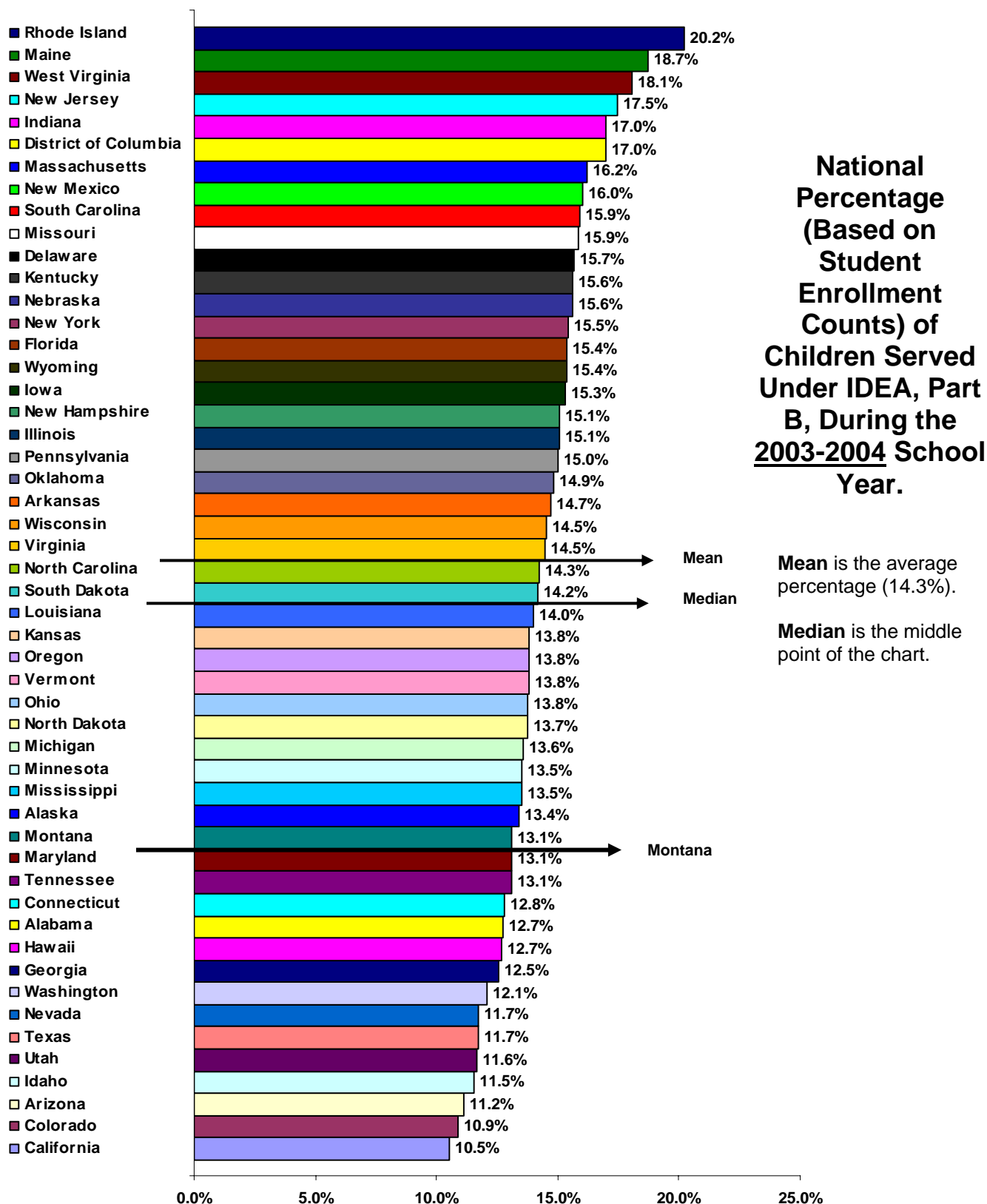


Source: [Montana Public School Enrollment Data](#), (Published yearly by the OPI)



NOTE: Percentage is calculated by dividing the special education student count for the year by the total student enrollment for the same year.

Montana still ranks below the mean in the percentage of students served under IDEA according to the Office of Special Education Programs, U.S. Department of Education.



Source: U.S. Office of Special Education Programs (IDEAdata.org) IDEA Part B Trend Data, Table B1, Number and Percent of Population Served (Ages 3-21), by State: 1976 through 2004.

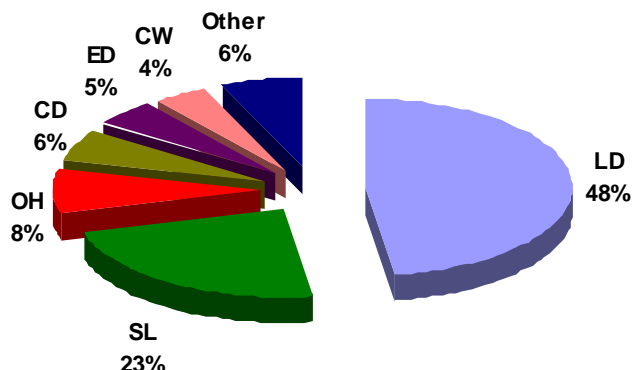
Student Identification by Disability

Almost 50 percent of all students receiving special education services have their primary disability identified as learning disabled and 23 percent of students have speech-language impairment identified as their primary disability. These two categories represent almost three-quarters of all students receiving special education services.

There has been a dramatic increase in the category of other health impairment (OH). The number of students in Montana identified in this disability category grew from 177 students in FY '90, to 1,613 students reported in FY '05. A U. S. Department of Education, Office of Special Education Programs, policy letter issued in the early 1990s made it possible for children with attention deficit disorder to qualify for special education under the category of other health impairment and federal regulations finalized in March of 1999 listed attention deficit disorder/attention deficit hyperactivity disorder in the definition for other health impairment.

The number of students identified as having autism has increased substantially over the last 10 years. While autism is considered a low-incidence disability category, the cost to address the needs of a child with autism is high. Nationally, the number of students ages 6-21 who were reported under this category rose by 3,250 percent, from 5,094 students in 1992 to 165,552 students in 2005 (Web Source:IDEAdata.org, Other Data Products, IDEA Part B Trend Data, Table B2A, Number, Percent of Population, and Disability Distribution, by Disability and Age Group). In the first year that autism was identified as a specific disability by Montana (FY '92), two students were identified. The following year, 20 students were identified and there has been a steady increase since then.

Disabilities by Percentage of Total Number of Students with Disabilities – 2004-2005 School Year



DISABILITY ABBREVIATIONS And Student Count for the 2004-05 School Year

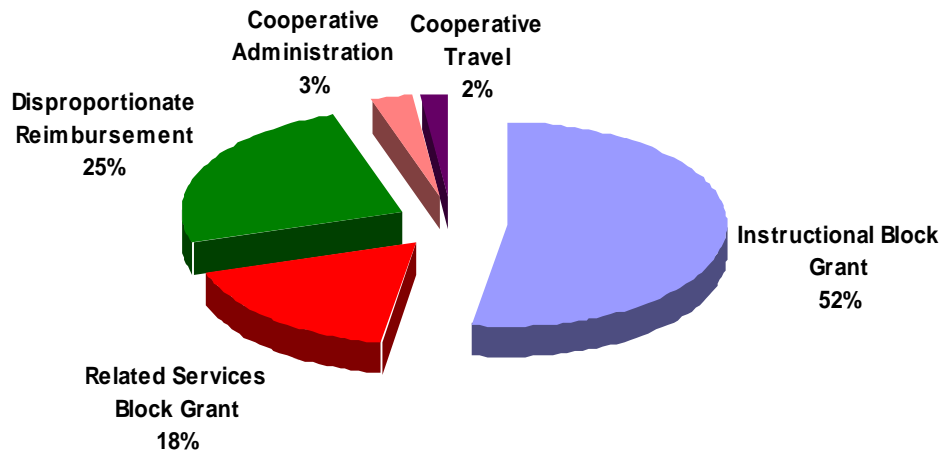
LD	Learning Disability - 9,308
SL	Speech-Language Impairment - 4,449
OH	Other Health Impairment - 1,613
CD	Cognitive Delay - 1,085
ED	Emotional Disturbance - 1,008
CW	Child with Disabilities - 799
Other – Total	1,253
MD	Multiple Disabilities - 577
AU	Autism - 275
HI	Hearing Impairment - 149
OI	Orthopedic Impairment - 71
TB	Traumatic Brain Injury - 70
VI	Visual Impairment - 61
DE	Deafness - 44
DB	Deaf-Blindness - 6

Source: Special Education Child Count conducted on December 1, 2004
Op\hln\trd3\Access\Division\SpecialEducation\SQLCC\tblcc Child Count 2005.

Part 2 - Funding

State Special Education Appropriation for 2005-2006 School Year

Montana's special education funding structure distributes state appropriations in accordance with 20-9-321, MCA, based on a combination of total school enrollment and expenditures. Seventy percent of the appropriation is distributed through block grants (instructional block grants and related services block grants), which are based on enrollment. Twenty-five percent is distributed through reimbursement for disproportionate costs, which is based on expenditures. The remaining 5 percent is distributed to special education cooperatives to cover costs related to travel and administration. This year, the Montana Legislature increased the state special education appropriation by approximately \$2,000,000. The following represents the breakouts for FY '06.



State Entitlement for 2005-2006 School Year

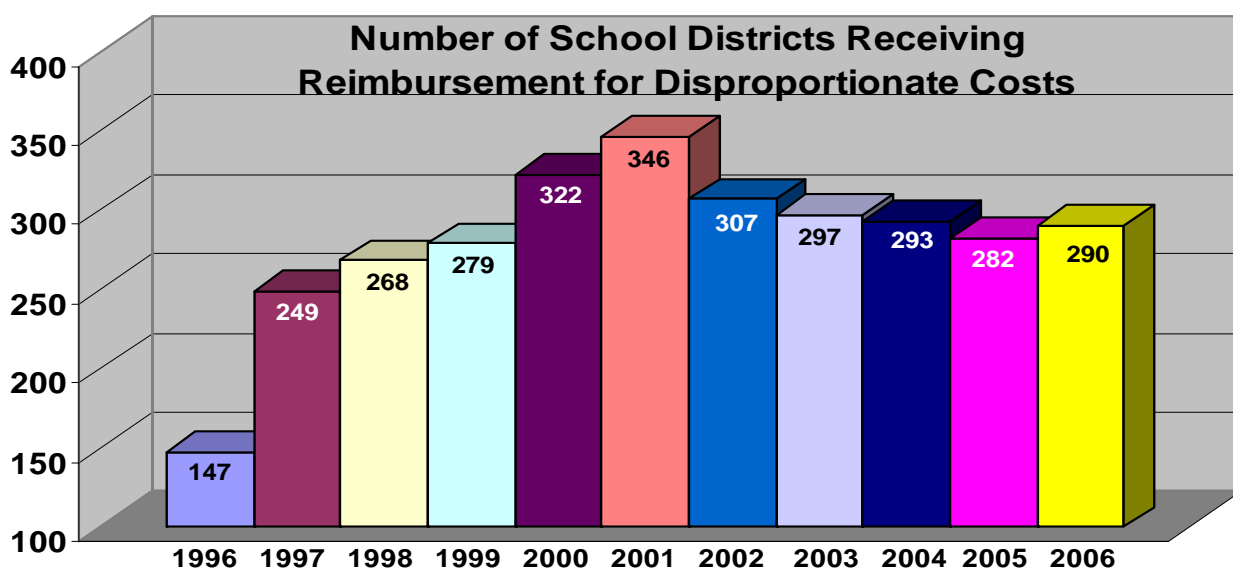
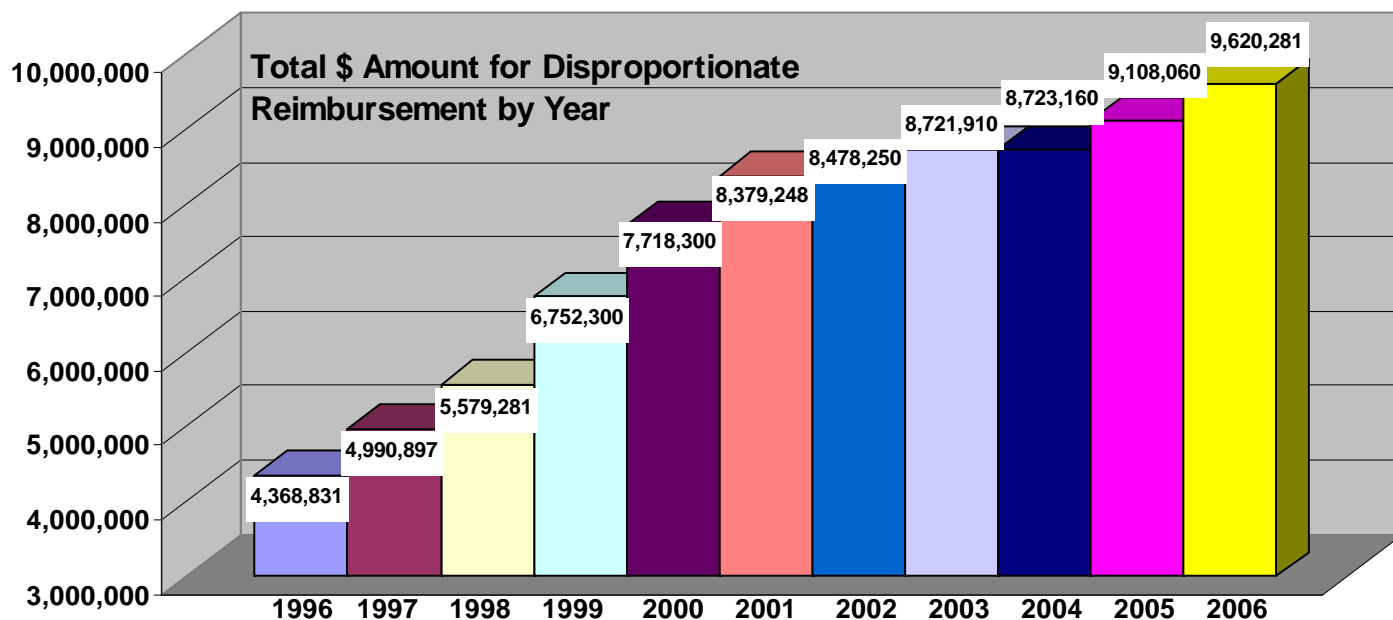
Instructional Block Grant	\$20,214,347
Related Services Block Grant	\$6,737,144
Disproportionate Reimbursement	\$9,620,281
Cooperative Administration	\$1,154,433
Cooperative Travel	\$769,622
TOTAL	\$38,495,827

NOTE: The total payment to schools is less than the total appropriation. A small amount of the appropriation is withheld to compensate for adjustments to ANB.

Source: Special Education Summary (prd\MAEFAIRS\MAEFAIRS.ade, rptSpecialEducationSummary, dated 8/22/05)

Growth in Reimbursement of Disproportionate Costs

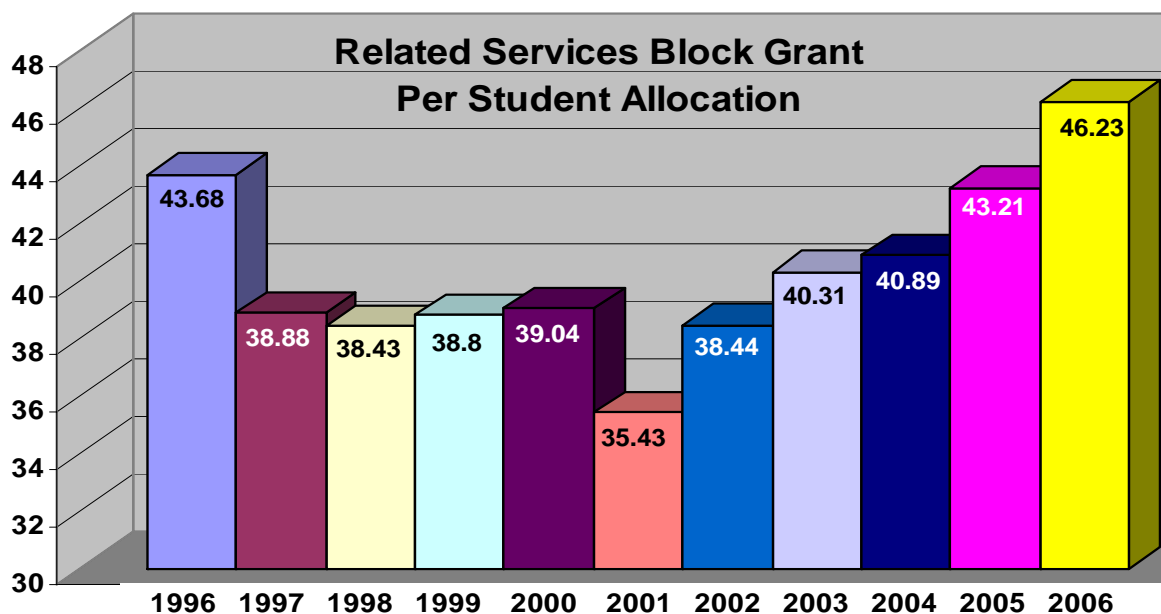
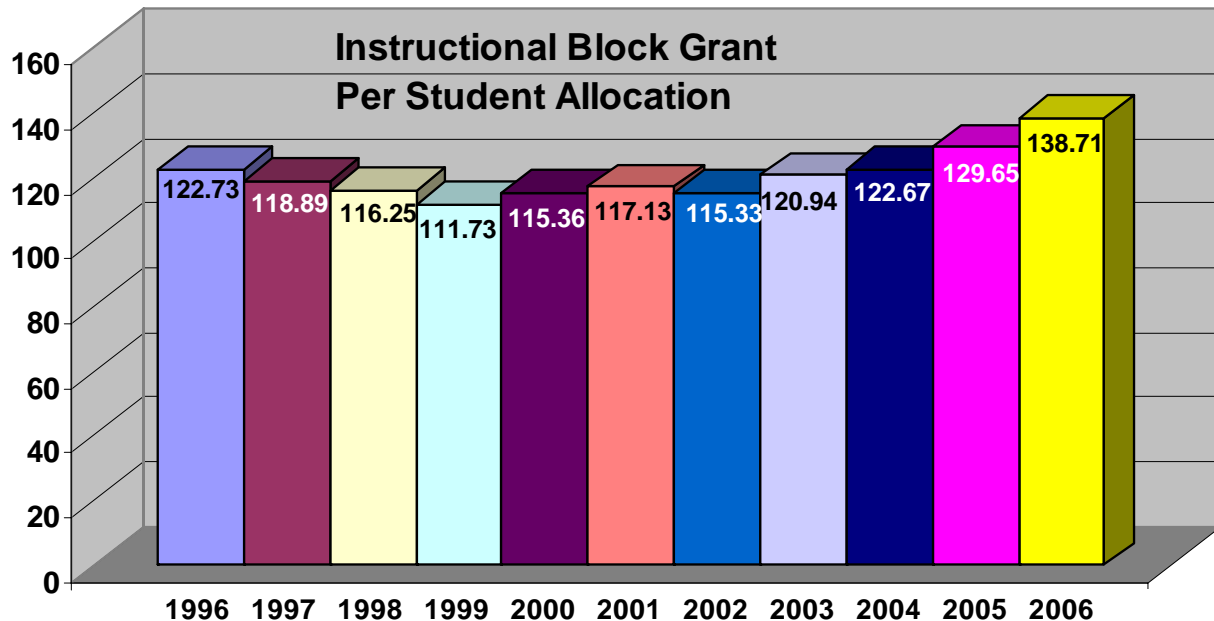
The proportion of the total state appropriation distributed in the form of reimbursement for disproportionate costs grew both in total dollars and in the number of districts receiving reimbursement for disproportionate costs through FY '01. The funding for disproportionate reimbursement was revised with FY '02 to fix the proportion of funds distributed under reimbursement for disproportionate costs and shift funding back to instructional and related services block grants. Today, any increase in funds distributed for purposes of reimbursement of disproportionate costs is due to an increase in overall appropriations for special education.



Source: Special Education Summary (prd\Maefairs\MAEFAIRS\MAEFAIRS.adf rptSpecialEducationSummary).

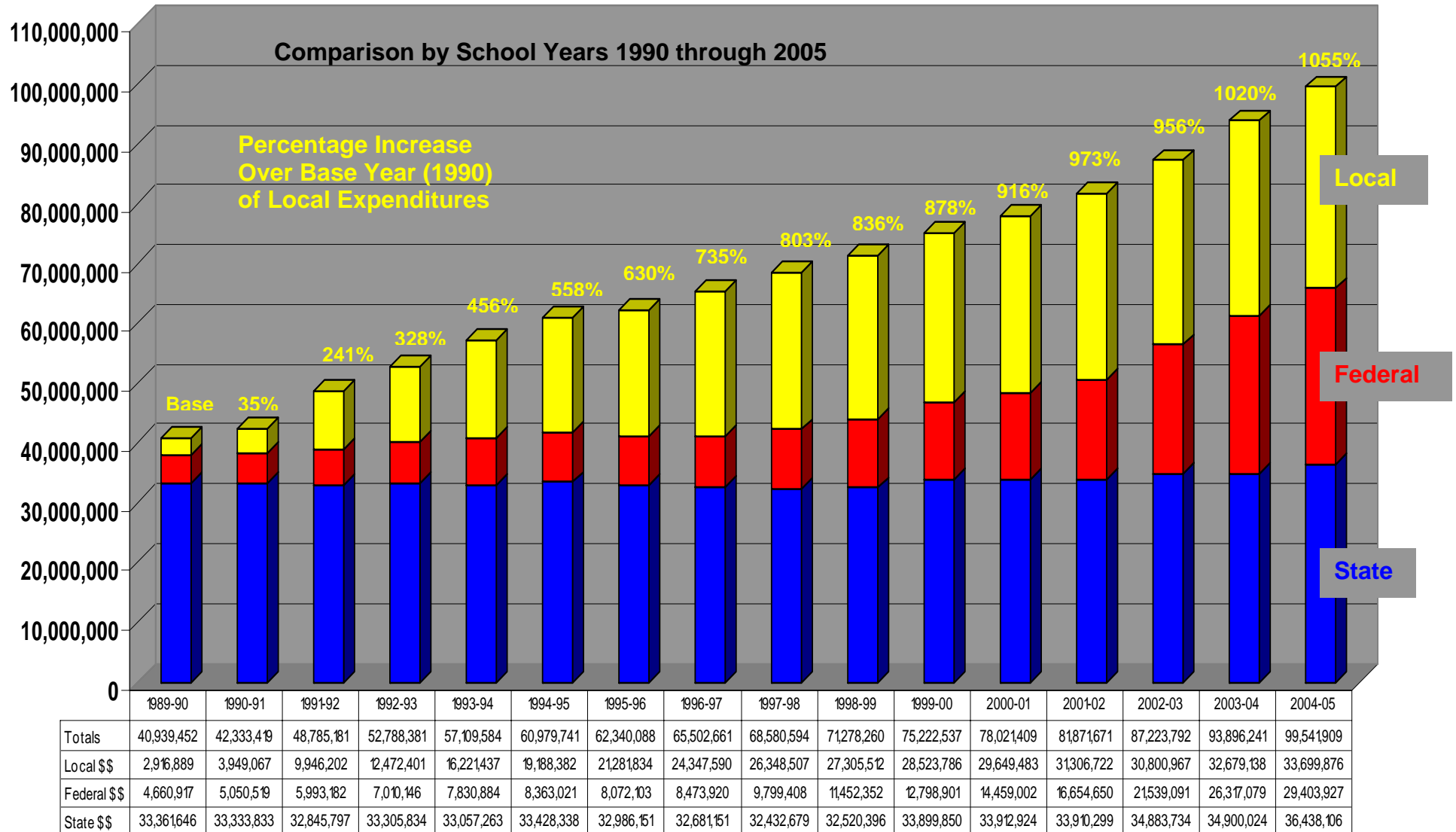
Instructional Block Grants and Related Services Block Grants

With the limit on the proportion of funds distributed in the form of reimbursement for disproportionate costs, the block grant rates (per student expenditure) are no longer declining and are instead increasing along with increases in state appropriations. This will positively impact both schools and special education cooperatives. State special education cooperatives are significantly affected since they are not eligible for reimbursement for disproportionate costs and the related services block grant is the primary source of funding. This shift is supporting the structure of the funding model's emphasis on block grant distribution of funds.



Source: Special Education Summary (prd\MAEFAIRS\MAEFAIRS.adb rptSpecialEducationSummary).

Expenditures of State, Federal, and Local Funds Comparison by Year



NOTE: This table may differ from previously released versions. Amounts are changed to reflect adjustments to trustees' financial summaries submitted by school districts.

Source: State - Special education payment amount provided by OPI accounting, which does not include reversion; Federal - Expenditures provided by OPI accounting (SABHRS year-end report); Local - Expenditures from board of trustees' financial summaries for special education allowable costs are reduced by the state payment amount to come up with the local amount.

Federal

The growth in expenditures for special education has become an issue of national significance. On a national level, attention has been focused on the proportion of federal support for special education. The current federal share of special education costs (national average) is 18.6 percent of the national average per pupil expenditure (Senate Democratic Appropriations Committee). Although this is a greater proportion of the national average per pupil expenditure than in the past, the proportion remains about one-half the 40 percent level promised by Congress when the special education laws were first passed in the mid 1970s. If Congress were to fund special education at 40 percent of the national average per pupil expenditure, the level of funding would cover between 50 and 60 percent of Montana's special education allowable costs. This is due to relatively lower costs for special education in Montana, and the way the national average per pupil expenditure is calculated.

In Montana, approximately \$99.5 million were spent on special education in FY '05. This is a significant increase from FY '90 when approximately \$41 million of state, federal and local funds were spent on special education. Much of this increase can be attributed to inflation and an increase in the number of students served by special education. In FY '05, approximately \$29.4 million of the \$99.5 million Montana spent on special education came from federal revenue sources (approximately 30 percent).

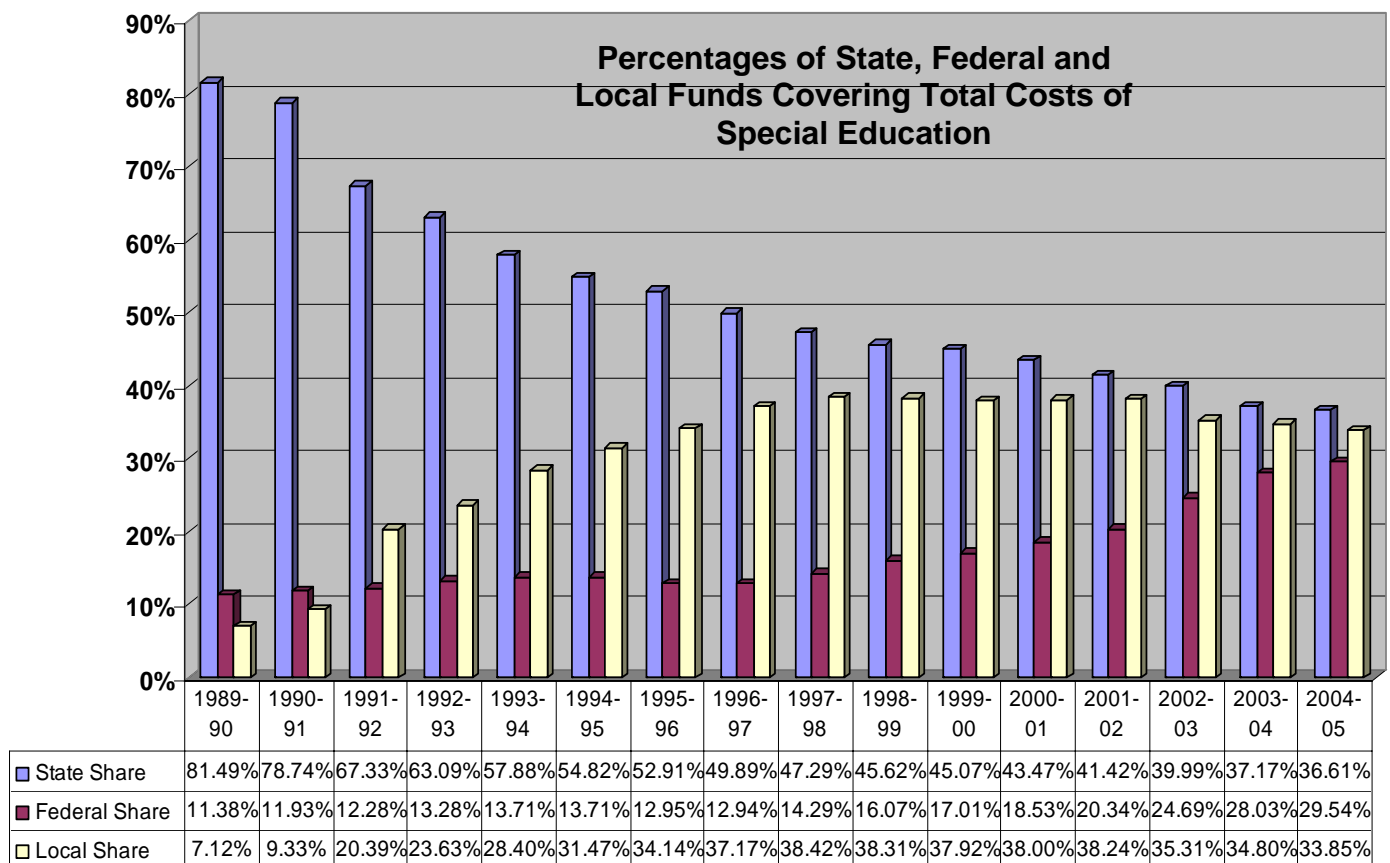
State

State appropriations for special education have fallen far short of the growth in costs. During a period of increased costs, coupled with flat state funding throughout the 1990s, the state share of the total costs of special education has slipped from approximately 81.5 percent in FY '90 to approximately 37 percent in FY '05.

Local

By far the greatest share of funding for increased costs of special education has come from the local general fund budgets. Local school districts have absorbed the increase in costs of special education by increasing their contribution from approximately \$3 million in FY '90 to approximately \$33.6 million for FY '05. This represents an increase of over 1000 percent in local district contribution for special education. In FY '03, for the first time since FY '90, the local expenditures for special education funding decreased. This likely occurred because state funding increased slightly (3 percent) and federal funding increased by 29 percent. However, in FY '04, state funding did not increase and so local expenditures again saw an increase. In FY '05, state expenditures increased by approximately \$1.5 million; however, because of increased costs, local funding also increased by approximately \$1 million.

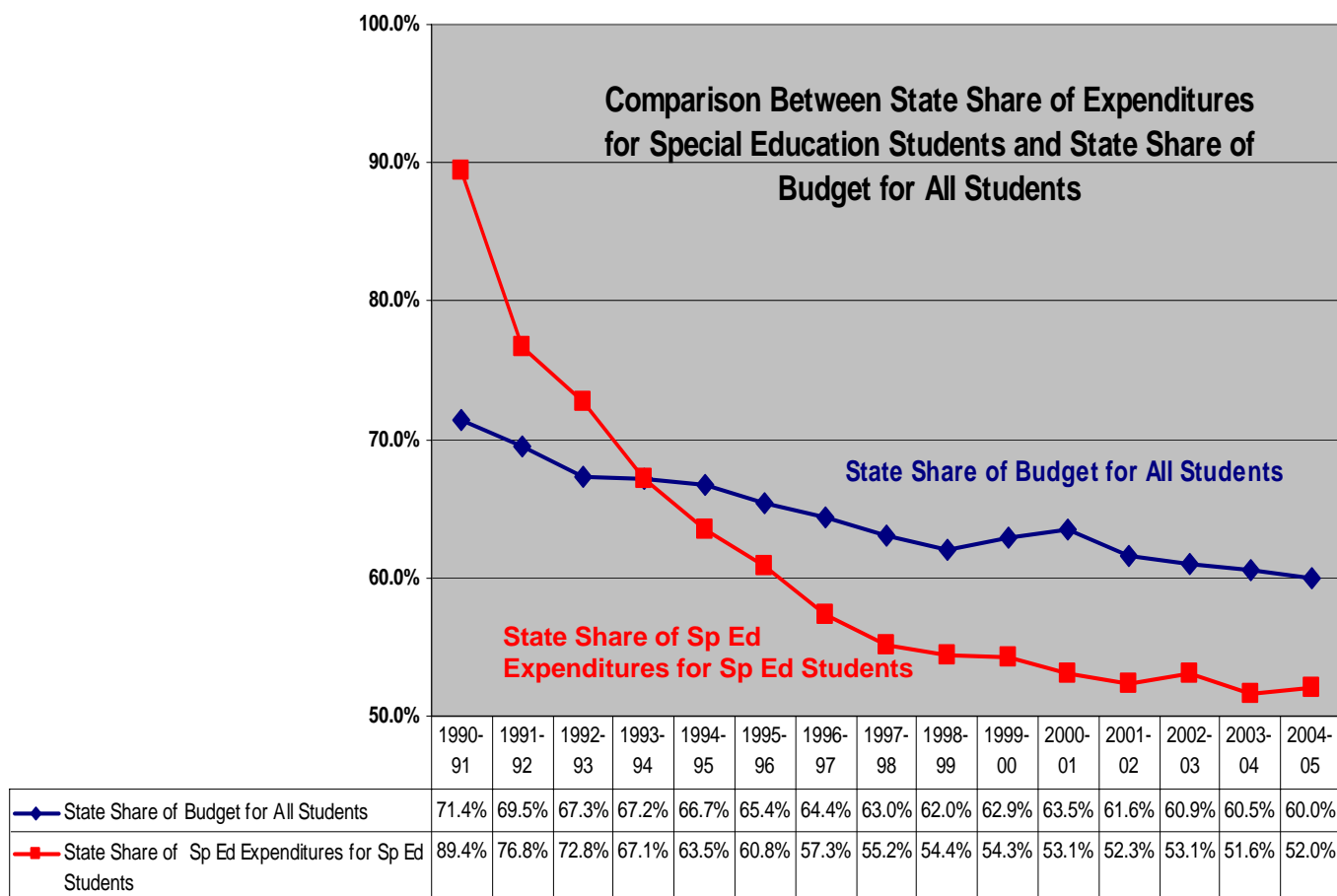
For purposes of this discussion, "local funds" means special education expenditures from the district general fund that are above the amount specifically earmarked for special education. The revenue source for these "local funds" includes both state base aid and local revenues. These "local funds" are generally perceived as local because they are drawn out of the general fund budget and would have otherwise been available for general education. This shift in the allocation of local funds has been a serious concern for schools and parents and has, for a number of years, created an atmosphere of competition for dollars.



While state funding remained relatively flat and federal funding increased, the proportion of “local funds” supporting costs of special education continued to show a significant increase in expenditures because of inflation, the increased child count, and the significant needs of special education students.

The General Fund

Another way of studying the effects of relatively flat state funding of special education is to compare the percentage of school district general fund expenditures from earmarked state special education funds. State general fund support from earmarked funds for special education costs has slipped from approximately 89 percent in FY '91 to approximately 52 percent in FY '04. In the meantime, the state support of the general fund budget for all students has slipped from approximately 71 percent in FY '91 to approximately 61 percent in FY '04. At one time, the state share of special education general fund expenditures was 18 percent higher than the state share of the general fund budget for general education. By FY '05, the state share of special education expenditures was 8 percent lower than the state share of the general fund budget for general education.



This chart is provided for the purpose of illustration. The comparison is between special education expenditures for special education students and general fund budgets for all students.

The portion of the budget for all students that is not state share is comprised of local revenues (property taxes, non-levy revenues, and re-appropriated monies). The portion of the expenditures for special education students refers only to earmarked state appropriations.

Part 3 - Accountability

Montana's State Performance Plan

Montana's State Performance Plan (SPP) evaluates the state's efforts to implement the requirements and purposes of Part B of the Individuals with Disabilities Education Act (IDEA) and describes how the state will improve such implementation. It is the foundation of the state's special education accountability system. There are 20 performance indicators established by the U. S. Department of Education that the SPP addresses, along with a six-year timeline (FFY 2005 through FFY 2010) of measurable and rigorous targets and improvement activities for each indicator. Most of the indicators have been addressed in previous years through the Annual Performance Report. New indicators are addressed in future terms. Through stakeholder involvement, Montana has set rigorous and statistically sound standards for its targets under each performance indicator. The SPP was submitted to the U.S. Secretary of Education on December 1, 2005. To view the SPP in its entirety, go to the Office of Public Instruction Special Education Web page at:

<http://www.opi.mt.gov/SpecEd/index.html>.

Scroll down the page to the Site Directory/State Performance Plan. Click on State Performance Plan 2005.

Following is a brief summary of the State Performance Plan:

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the state graduating with a regular diploma.

An 80 percent graduation rate has been established as the target for all students in accordance with Montana's Consolidated State Application Accountability Workbook.

Currently, Montana conducts two separate graduate data collections - one specifically for students with disabilities and the other is a non-disaggregated count of all students. Montana has adopted the National Center for Education Statistics cohort method as a practical way to calculate a completion rate. The calculation uses four years of graduate and dropout data to calculate the rate. Data from the 2003-2004 school year was established as baseline data. The following table shows three years of trend-line data.

Montana Graduation Rate Comparison by School Year

School Year	Graduate Count for General Education ¹	Completion Rates for General Education	Graduate Count for Special Education ²	Completion Rates for Special Education
2001-2002	10519	84.1%	755	73.2%
2002-2003	10631	84.7%	759	71.2%
2003-2004	10484	84.2%	803	69.8%

¹General education graduate counts are reported on October 1st annually. This count includes students with disabilities and can not be disaggregated.

² Special education graduate counts are reported on June 30th annually as part of the end of year special education data collection.

The best available data indicates a steady decline of approximately 1.7 percent per year in the graduation rate of students with disabilities. This trend-line suggests that Montana will face a significant challenge in turning around this trend.

Improvement Activities: The OPI will implement a new student information system and special education records and information management system (SERIMS) that will improve the reliability, consistency and validity of longitudinal analyses; continue implementation of the activities described in the American Indian Dropout Prevention Grant; continue support for the Montana Behavioral Initiative (MBI) project; provide technical assistance/support to school districts; encourage more parent involvement; and continue the provision of transition coaches to assist schools in the development of coordinated transition activities for students with disabilities.

Indicator 2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the state dropping out of high school.

Trend-line data suggests a special education dropout rate that is relatively stable. Conditions affecting dropout rates often begin in elementary school and include effectiveness of early reading instruction, school climate, and other factors.

Montana Dropout Rate Comparison by School Year

School Year	General Education Dropout Count, Grades 7-12 ¹	General Education Enrollment, Grades 7-12 ²	General Education Dropout Rate ³	Special Education Dropout Count, Ages 14-21 ⁴	Special Education Child Count, Ages 14-21 ⁵	Special Education Dropout Rate ⁶
2001-2002	2022	73619	2.7%	321	6051	5.3%
2002-2003	1872	73367	2.6%	323	6198	5.2%
2003-2004	1737	72571	2.4%	323	6245	5.2%

¹General Education Dropout Counts, grades 7-12, includes students with disabilities and can not be disaggregated. The count is taken on October 1st each year.

²General Education Enrollment includes all students enrolled, grades 7-12. This includes students with disabilities and can not be disaggregated. Enrollment is reported on October 1st each year.

³General Education dropout rate formula: Total number of general education dropouts divided by number of students enrolled in grades 7-12.

⁴Special Education Dropout Counts are students with disabilities, ages 14-21, as reported on the Exiting Report. The count is taken on June 30th each year.

⁵Special Education Child Count: Students with disabilities, ages 14-21, as reported on Child Count. Child Count is reported on December 1st each year.

⁶Special Education dropout rate formula: Total number of special education dropouts divided by the number of students reported on child count, ages 14-21.

Improvement Activities: Activities are similar to those reported under Indicator 1, and also include working with *Parents, Lets Unite for Kids (PLUK)* to increase parent involvement in their child's education; providing technical assistance to school districts on child find practices to ensure that students who dropped out of school are included in child find activities; providing technical assistance and support to schools on strategies to prevent student dropouts; and continuing with Indian Education for All activities.

Indicator 3: Participation and performance of children with disabilities on statewide assessments.

This indicator requires the state to provide the percent of districts meeting the state's Adequate Yearly Progress (AYP) objectives for progress for disability groups. It also requires that participation rates and proficiency rates are addressed for all children with IEPs.

Based on 2004-2005 data, 100 percent of all districts had IDEA subgroups meeting the state's AYP objectives and 98 percent of all students with disabilities in the grades tested participated in the statewide assessment. Overall, 29.5 percent of students with disabilities participating in the statewide assessment scored at the proficiency or above level.

The state's method of calculating AYP includes the use of a minimum number (N) of 40 and multiple other measures such as the quality of Five-Year Comprehensive Plans. This is known as the All Schools Accountability Process (ASAP) and involves the use of multiple weighted factors in the calculation.

Improving academic outcomes for students with disabilities is a high priority for Montana.

Improvement Activities: The OPI will continue the *We Teach All* project and the MBI project; collaborate cross-divisionally on *Reading First* strategies; if funded as part of an OPI grant application to the US Department of Education, implement a pilot study on the feasibility of establishing an alternate assessment for that group of students with disabilities for whom the current assessment options do not provide valid results; provide training to school districts on strategies for improving access to the general curriculum; collaborate cross-divisionally with Indian Education for All staff on strategies to improve student achievement for Native American students with disabilities; and provide training on scientifically based reading intervention strategies.

Indicator 4: Rates of suspension and expulsion.

This indicator requires the state to provide the percent of school districts that are identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year. A new component of this indicator requires the state to provide the same data by race and ethnicity.

Long-term suspension or expulsion is defined as a suspension or expulsion that results in the removal of a student, out of school, for greater than 10 school days or a student with multiple short-term (10 school days or less) out-of-school suspensions or expulsions that sum to greater than 10 school days during the school year.

Long-Term Suspension and Expulsion Rate Comparison

School Year	Number of Special Education Students with Long-term Suspension or Expulsion ¹	Special Education Child Count, Ages 6-21 ²	Special Education Long-term Suspension and Expulsion Rates	Number of Regular Education Students with Long-term Suspension or Expulsion ³	General Education Enrollment, Grades K-12 ⁴	Regular Education Long-term Suspension and Expulsion Rates
2004-2005	92	17453	0.5%	377	145795	0.3%

¹ Count of students with disabilities who qualify for services under IDEA, with multiple short-term suspensions or expulsions (10 days or less) that sum to greater than 10 days during the school year or suspended or expelled once for greater than 10 days during the school year.

² Special education counts are students with disabilities who qualify for services under IDEA, ages 6-21, reported on the December 1st child count

³ Count of nondisabled students with multiple short-term suspensions or expulsions (10 days or less) that sum to greater than 10 days during the school year or suspended or expelled once for greater than 10 days during the school year.

⁴ Students enrolled as of October 1st of the count year in grades K-12. This count includes students with disabilities who qualify under IDEA and can not be disaggregated.

Only 38 school districts (8.5 percent of all districts) reported any long-term suspensions or expulsions of students with disabilities. None of the districts that reported long-term suspensions/expulsions met the minimum number (N) of 10. Following a review of the screening data, it was determined that 16 districts had a statistical difference in the long-term suspension/expulsion rates of students with disabilities.

In eight of the districts identified as having a statistical difference, the difference was the result of a single student with disabilities reported as having a long-term suspension or expulsion. In the remaining districts, there was no evidence to support the need for further investigation.

Baseline data on the race/ethnicity breakout of students with disabilities who are suspended or expelled long-term will be collected as a part of the school discipline data collection during the 2005-2006 school year.

Improvement Activities: The OPI will continue to provide guidance and technical assistance on discipline procedures to school personnel through OPI staff, the Early Assistance Program and Web resources; monitor compliance with IDEA regulations in this area; and make MBI training available to school personnel.

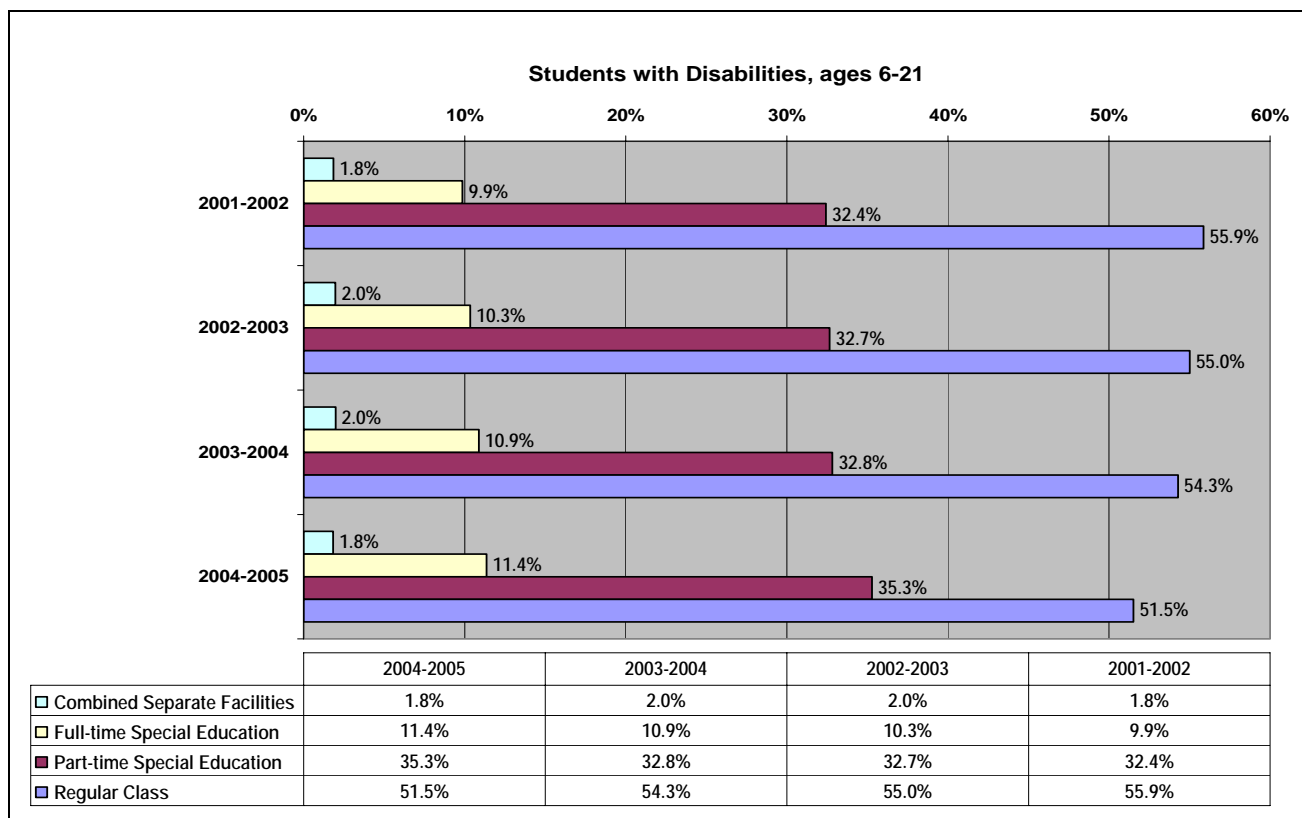
Indicator 5: Percent of children with IEPs, aged 6 through 21, in more restrictive or less restrictive educational environments.

This indicator addresses students with disabilities who have been removed from the regular class less than 21 percent of the day, greater than 60 percent of the day, or are

served in public or private separate schools, residential placements, or homebound or hospital placements.

Over the past five years, there has been a decline in the proportion of learning disabled students and a significant increase in the numbers of students identified as having other health impairment and autism. Such changes in child count have an effect on the settings of services based on the increasing proportion of students likely to be experiencing more significant disabilities, requiring more complex services and/or a method of service delivery that might be more restrictive.

Percent of Students with Disabilities, ages 6-21, in Educational Environments



Trend-line data shows a 1.5 percent average annual decrease for the past four years in the percentage of students removed from regular class less than 21 percent of the day (Regular Class), and a .5 percent average annual increase for the past four years in the percentage of students educated outside the regular classroom for more than 60 percent of the day (Full-time Special Education).

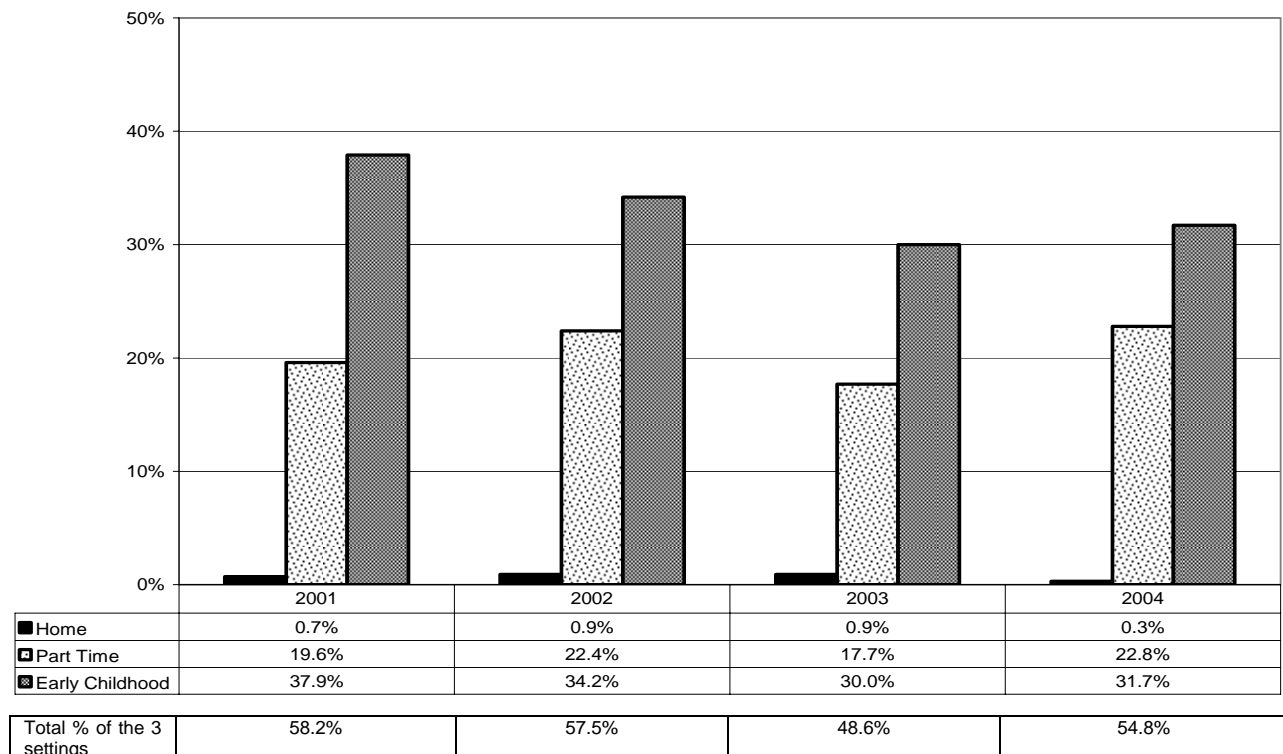
Improvement activities: The OPI will continue to provide technical assistance, training and support to school districts in providing a free, appropriate public education (FAPE) in the least restrictive environment (including training to general education personnel); implement monitoring procedures that review placement decisions; and provide training on teaching methods that support access to the general curriculum in the regular education setting.

Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers.

Parents of preschool-age children with disabilities face widely differing choices when selecting special education settings, often driven by location and suitability. Not all communities offer the same array of choices, especially in rural areas. Few, if any, public school districts offer general education preschool, but all offer FAPE.

Early Childhood Special Education settings are most likely settings for children, ages 3 and 4, while Early Childhood settings are more likely for 5 year olds. This difference is due to the availability of Kindergarten for 5 year olds in contrast to the absence of regular education alternatives for younger children.

Percentage of preschool-age children with disabilities who received special education and related services in settings with typically developing peers during the past four years.



During the past four years, the percentage of children with disabilities who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings) has declined slightly.

Contributing to this overall decline were year-to-year variations in the percentages of children with disabilities reported in each setting:

- Home settings varied from a high of 0.9% in 2002 and 2003, to 0.3% in 2005;
- Early Childhood settings varied between 37.9% and 31.7%; and

- Part-time Early Childhood/Part-time Early Childhood Special Education setting percentages varied between 19.6% and 22.8%.

Generally, the percentage of children reported under the Early Childhood settings increased when the percentage of children reported as Part-time Early Childhood/Part-time Early Childhood Special Education setting decreased, and vice versa.

Improvement Activities: The OPI will continue to provide technical assistance and training to school personnel to assist them in the delivery of special education and related services in kindergarten settings to reduce the number of 5 year olds in early childhood special education settings; collaborate with Pat C; and provide technical assistance and support for special educators who teach, consult, or mentor in Head Start settings or other early childhood settings.

Indicator 7 (New Indicator): Percent of preschool children with IEPs who demonstrate improved positive social-emotional skills, acquisition and use of knowledge and skills, and use of appropriate behaviors to meet their needs.

Montana has not previously collected this data. Entry data will be collected in the spring of 2006 and baseline data will be reported in the February 2007 Annual Performance Report.

Improvement Activities: The OPI will provide training for school personnel and technical assistance to schools to assist them in the collection and reporting of this required data and incorporate these new data collection components in its SERIMS as the system is developed.

Indicator 8 (New Indicator): Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

This data has not previously been collected from parents. However, Montana has a long-standing history of including parents in education decision making. The OPI intends to initiate a survey using a sampling methodology to collect the data.

Improvement Activities: The OPI will implement a parent survey on an annual basis consistent with the five-year procedural compliance monitoring cycle. Information from the survey will be used to determine future improvement activities related to this indicator.

Indicator 9 (New Indicator): Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the *result of inappropriate identification*.

Montana is a state with little racial diversity. Our largest minority group is composed of American Indians. Although 6.2 percent of Montana's population is American Indian, over 11.3 percent of the state's K-12 students and over 14.7 percent of the population of students with disabilities are American Indians.

Beginning with the school year 2005-2006, the OPI will implement a procedure of multiple measures to determine whether a school district has disproportionate representation based on inappropriate identification.

In order for a school district to be determined as having disproportionate representation as a result of inappropriate identification procedures, the district must:

- Have an identification rate that demonstrates a statistically significant difference; and
- Have discriminatory practices in the district's child find procedures and/or no general education instructional practices/services to address students' needs prior to a referral to special education.

Improvement Activities: The OPI will develop a procedural guide and analysis tool to be used when analyzing and determining if disproportionate representation exists because of inappropriate identification; provide technical assistance and support to school districts whose data suggests disproportionate representation; and implement a pilot project focused on early intervening services and response to intervention as one of the factors in determining eligibility for special education services.

Indicator 10 (New Indicator): Percent of districts with disproportionate representation of racial and ethnic groups *in specific disability categories* that is the result of inappropriate identification.

Disproportionate representation is defined as an identification rate that is a statistically significant difference and exists as a result of inappropriate identification practices or procedures, and/or lack of early intervening services and cannot be attributed to unique circumstances (e.g., private school, group home, specialized facilities) which are an underlying factor of the representation.

Because Montana's school districts are so small, and disaggregation of the data by race/ethnicity AND disability category results in even smaller numbers, extreme caution must be taken when making a determination of disproportionality. There are many factors, aside from educational practices, which may affect the representation of a racial/ethnic group in specific disability categories further complicating valid assessments of disproportionality by disability category.

When a school district is identified through a statistical screening process, further investigation will be conducted to determine if there is disproportionate representation in disability categories as a result of inappropriate identification. The investigation will be conducted by the OPI and district staff using an analysis that will incorporate, at a minimum, a validation of district data, review of district child find policies and procedures, and regular education instructional practices.

Improvement Activities: Activities are the same as those reported under Indicator 9.

Indicator 11 (New Indicator): Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or state-established timeline).

The OPI will collect the required data as a part of its procedural compliance review process.

Improvement Activities: The OPI will incorporate these new data collection components in its SERIMS as the system is developed and provide training for school personnel so that they are aware of and implement this new requirement.

Indicator 12: Percent of children referred by Part C, prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

The OPI addresses Early Childhood Transition through an interagency agreement with the Part C lead agency, training and technical assistance at the local level to support smooth transition activities, work with Parents, Let's Unite for Kids (PLUK) to inform and support parents and families experiencing transitions from one program to the other, and oversight of the complaints and due process management system and OPI compliance monitoring.

Number and Percentage of Infants and Toddlers Moving out of Part C

Number and Percentage of Infants and Toddlers July 1, 2003 - June 30, 2004				
Part B Eligible	Not Eligible for Part B, Exit to Other Programs	Not Eligible for Part B, Exit With No Referrals	Part B Eligibility Not Determined	TOTAL
180	43	12	52	287
63%	15%	4%	18%	

Of the 287 children referred by Part C to the Part B program, 63 percent were determined to be eligible for Part B services. Review of data for 2003-04 reveals no issues arising in this area through compliance monitoring or the complaint/due process management system.

Improvement Activities: The OPI will continue to provide technical assistance and training for school personnel on effective child find practices; ensure this data requirement is incorporated in its SERIMS as the system is developed; and continue to work with Part C to ensure smooth transition practices.

Indicator 13 (New Indicator): Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

The OPI will collect baseline data as a part of its compliance monitoring procedures during the 2005-2006 school year.

Improvement Activities: The OPI will continue to provide technical assistance and professional development to school districts on transition requirements and IEP development; work with other state agencies to engage their involvement in transition planning; and work with institutions of higher education to ensure students receive information and training related to transition requirements.

Indicator 14 (New Indicator): Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.

Although Montana does not currently collect post-secondary school outcome data, special education personnel have established linkages within the OPI and other agencies leading toward a process to do so. Shared interests with Career, Technical and Adult Education, Vocational Rehabilitation, adult service providers and Higher Education representatives have been established and discussions and planning have begun to develop a credible system to collect post-secondary outcome data. In addition, Montana has been chosen to participate in a National Governors' Association Policy Academy on Improving Outcomes for Young Adults with Disabilities.

Post-school outcome data will be directly reported by school districts through tracking youth who had IEPs and are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school. The first data will be collected in May of 2007.

Improvement Activities: The OPI will revise its current electronic exiting data collection to include post-school outcomes data and ensure this data requirement is incorporated in its SERIMS as the system is developed. The SERIMS will collect post-school outcomes data on all students with disabilities who exited school in the 2007-2008 school year.

Indicator 15: General supervision system identifies and corrects noncompliance as soon as possible, but in no case later than one year from identification.

The OPI implements a comprehensive system of general supervision that includes a review of IDEA Part B applicants' policies and procedures to ensure consistency with IDEA Part B requirements; implementation of procedures for formal complaints and due process hearings and mediation; provision of an Early Assistance Program (EAP) to resolve issues prior to their becoming formal complaints or going to due process; implementation of a compliance monitoring process based on a five-year cycle; and implementation of a focused intervention system based on selected performance indicators.

Each component of the general supervision system includes procedures for tracking data to ensure requirements and timelines are addressed in a timely manner. Complaints, mediations, and due process hearing timelines are tracked by the Legal Division of the OPI. The school district/applicant policies and procedures and data, including data gathered through compliance reviews and focused intervention, are tracked through the Division of Special Education. Continuous improvement, based on

each school district's five-year comprehensive plan, is reported by districts annually and tracked through the Accreditation Division.

An analysis of data from the 2003-2004 school year shows that all due process hearings, mediations and formal complaints have been met 100 percent of the time and within the one-year period. When extensions were approved, they were date specific and incorporated into the tracking system to ensure decisions were rendered within the designated timeframe.

In the 2003-2004 monitoring cycle, 40 entities were monitored for procedural compliance. Of those monitored, 13 were found to be in full compliance, 25 were required to take corrective actions because of identified 'systemic' issue(s), and of these 25, a confidential memorandum was received by 10. Two entities received only a confidential memorandum. All school districts (100%) that received confidential memorandums completed their corrective actions within the year. Of the 26 districts that were required to complete corrective action plans, four did not meet the one-year timeline. However, of the four, all were completed within three months after the one-year timeline.

The OPI implemented Focused Intervention during the 2004-2005 school year. Three entities were selected based on a review of school district data. Based on findings no issues of noncompliance were found and no corrective actions were issued.

Improvement Activities: The OPI will revise its Focused Intervention activities to better align with State Performance Plan indicators; continue to ensure timelines are addressed; review the status of corrective action plans on a monthly basis; provide follow-up to school districts to ensure they are moving toward completion of corrective action plans; and implement sanctions, as appropriate, to ensure school districts complete required corrective action plans.

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

A party filing an administrative complaint with the OPI must allow 15 business days for the Early Assistance Program (EAP) to attempt to resolve the issue either informally or formally. Both parties involved may allow additional time if a resolution appears possible. A formal approach to resolution would be mediation provided by the OPI. If resolution is not possible through the EAP, then the OPI assigns a complaint investigator to determine whether a rule violation occurred. The investigator provides the OPI Complaint Officer with a draft report which, in turn, leads to a final report of the investigation.

One complaint was received during the 2004-2005 school year (baseline year), and was resolved after the 60-day timeline, but in accordance with IDEA requirements. In this one case, the complainant rescheduled several appointments with the investigator, causing the OPI to extend the timeline in order to complete the investigation and the draft report.

Improvement Activities: The OPI will continue to work at reducing the number of complaints by providing timely technical assistance to districts and using part-time seasonal personnel to serve in a technical assistance capacity to resolve conflicts.

Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

For the 2004-05 school year (baseline year), there were four requests for a due process hearing. Three of the requests were fully adjudicated and one was withdrawn. Of the requests that resulted in hearings, all were adjudicated within 45 days or within a properly extended timeline.

Improvement Activities: The OPI will continue to provide annual training to hearing officers and track timelines for due process hearings to ensure compliance.

Indicator 18 (New Indicator): Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

Schools will convene the 30-day resolution session in a timely manner following the IDEA statute requirements. Baseline data will be collected during the 2005-2006 school year.

Improvement Activities: The OPI will develop a technical assistance document on resolutions and respond to any requests from school districts for assistance in establishing procedures for successful resolution sessions.

Indicator 19: Percent of mediations held that resulted in mediation agreements.

Established procedures allow either party to request mediation. For mediation to proceed, both parties must agree to the mediation. One mediation request was received by the OPI in the 2004-2005 school year. This mediation request did not result in a written settlement agreement.

Improvement Activities: The OPI will continue to provide training to school districts, parents and parent advocacy groups about the mediation process and make trained mediators available to schools and parents at no cost when requested.

Indicator 20: State-reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

The OPI has consistently met designated timelines 100 percent of the time over the past four years.

Improvement Activities: The OPI will continue to provide for electronic submittal of special education data and to provide technical assistance for submitting data and ensure that the new student information system includes all required data elements.